

### **REMARKS**

Applicants gratefully acknowledged the Examiner's withdrawal of the previous rejections. Reconsideration of the present application in view of the above amendments and following remarks is respectfully requested.

#### **Status of the Claims**

Claims 14-16, 18-29, 31-32 and 34-36 are presented. Claims 14, 24-25, 28 and 36 are amended for clarity, and to address the § 112 rejections, as discussed below. Base claims 14, 28 and 36 are amended to clarify the product-by-process steps to include (1) an oligomerization step, and (2) an optional hydrogenation step. Support is found throughout the specification as originally filed, *inter alia*, on page 4, lines 20-21, and page 5, lines 13-20, as well as original claims 3 and 13, now canceled. Claims 1-13, 17, 20 and 33 were previously canceled. Claim 22 is canceled without prejudice in the present action. No new claims are added.

No new matter has been introduced.

#### **Summary of the Invention as Claimed**

One aspect of the invention as presently claimed is drawn to a cosmetic composition containing at least one branched oligo- $\alpha$ -olefin or hydrogenated oligo- $\alpha$ -olefin having side chains of ethyl, propyl or longer branched alkyl chains at least at one branch point, which are obtained by **a process comprising the steps of (1) oligomerizing monomers consisting of** (a) one or more branched C5-C18  $\alpha$ -olefins, or (b) a mixture of a branched C4-C18  $\alpha$ -olefin and a linear C3-C18  $\alpha$ -olefin, or (c) a mixture of various branched C4-C18  $\alpha$ -olefins and linear C3-C18  $\alpha$ -olefins, in the presence of a catalyst selected from a Markush group, **to form a branched oligo- $\alpha$ -olefin, and (2) optionally, hydrogenating**, wherein the branched oligo- $\alpha$ -olefin or hydrogenated branched oligo- $\alpha$ -olefin is incorporated in a cosmetic composition (claims 14-16, 18-21, 23-27). Another aspect of the invention as presently claimed is drawn to an antiperspirant or deodorant composition comprising the branched oligo- $\alpha$ -olefin or hydrogenated

oligo- $\alpha$ -olefin as described above, and at least one antiperspirant or deodorant active principle (claims 28-29, 31-32, 34-35). Yet another aspect of the invention as now claimed is drawn to a pharmaceutical composition containing the branched oligo- $\alpha$ -olefin or hydrogenated oligo- $\alpha$ -olefin as described above (claim 36).

**Rejections under 35 U.S.C. § 112, first paragraph**

Previously pending claims 14-16, 18-29, 31-32 and 34-36 were rejected under 35 U.S.C. § 112, first paragraph, as containing new matter with regard to alleged lack of support in the specification for hydrogenated branched oligo- $\alpha$ -olefins being obtained by oligomerization of (a) or (b) or (c) using a Lewis acid catalyst.

In response, the base claims have been amended to recite the proper process steps, including (1) oligomerizing monomers to form a branched oligo- $\alpha$ -olefin, and (2) optionally, hydrogenating the branched oligo- $\alpha$ -olefin.

In view of these clarifying amendments, the Examiner is respectfully requested to withdraw the new matter rejections.

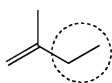
**Rejections under 35 U.S.C. § 112, second paragraph**

Previously pending claims 14-16, 18-29, 31-32 and 34-36 were rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite with regard to **hydrogenated** branched oligo- $\alpha$ -olefins being obtained by an oligomerization step in the absence of a hydrogenation step.

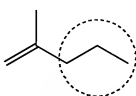
In response, the base claims have been amended to include the proper process steps, including (1) oligomerizing monomers to form a branched oligo- $\alpha$ -olefin, and (2) optionally, hydrogenating the branched oligo- $\alpha$ -olefin.

Previously pending claims 20-21 and 32 allegedly lacked antecedent basis in that no provision for "methyl" being present at the branch point is claimed (versus ethyl, propyl or longer branched alkyl chains). With respect, applicants aver that this is a nomenclature problem with respect to the monomers versus

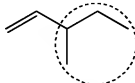
the corresponding oligomers. The chemical structures of the recited methyl-containing monomers are drawn below for clarification:



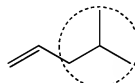
**2-methyl-1-butene**  
side chain: ethyl



**2-methyl-1-pentene**  
propyl



**3-methyl-1-pentene**  
sec-butyl



**4-methyl-1-pentene**  
iso-butyl

It is clear that each monomer contains at least one ethyl, propyl or longer branched alkyl substituent with respect to the alkene, and would therefore have at least one branch point in the resulting oligo- $\alpha$ -olefins which would contain said substituent.

Previously pending claim 22 allegedly lacked antecedent basis as lacking monomers (a) or (b) or (c).

Even though applicants do not necessarily agree with the Examiner's arguments in this regard, in order to further prosecution, claim 22 has been canceled in the present action, thereby mooted the rejection.

In view of these claim amendments and remarks, the Examiner is respectfully requested to withdraw the indefiniteness rejections.

Applicants were requested to provide the names of the hydrogenated products of Examples 1-7, as was done for Example 8. Although the undersigned has requested the assistance of the inventors in this regard, the information has not been obtainable to date. This information will be provided in a subsequent reply.

**Conclusion**

In summary, in view of the above claim amendments and remarks, applicants believe that all of the pending claims as amended are in condition for allowance, or in the alternative, in better condition for examination on appeal. The Examiner is respectfully requested to reconsider, withdraw the rejections and allow the claims.

If any additional fees are required in support of this application, authorization is granted to charge our Deposit Account No. 50-1943.

Respectfully submitted,

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Date

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